

**JUDGE CROTTY**

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George E. Murray (GM-4172)

**08 CIV 4059**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ONEGO SHIPPING & CHARTERING B.V.,

Plaintiff,

v.

JSC ARCADIA SHIPPING, and KAALBYE SHIPPING  
INT, LTD.

Defendants.  
-----X

STATE OF NEW YORK :  
: ss.  
COUNTY OF NASSAU :

08 CV \_\_\_\_ ( )

**ATTORNEY'S AFFIDAVIT  
THAT DEFENDANT  
CANNOT BE FOUND  
WITHIN THE DISTRICT**

This affidavit is executed by the attorney for the Plaintiff, ONEGO SHIPPING & CHARTERING B.V., (hereinafter "ONEGO"), in order to secure the issuance of a Summons and Process of Attachment and Garnishment in the above-entitled, *in personam*, Admiralty cause.

Owen F. Duffy, being first duly sworn, deposes and states:

1. I am a partner of the firm of Chalos, O'Connor & Duffy LLP representing Plaintiff ONEGO in this case.

2. I have personally inquired or have directed inquiries into the presence of Defendants JSC ARCADIA SHIPPING, and KAALBYE SHIPPING INT, LTD. (hereinafter "JSC" and "KAALBYE" respectively) in this District.

3. I have personally checked with the office of the Secretary of State of the State of New York, using the Secretary of State's Division of Corporations database, and I have determined that, as of April 29, 2008, the Defendants JSC and KAALBYE are not incorporated pursuant to the laws of New York, are not qualified to conduct business within the State of New York and have not nominated agents for the service of process within New York because the Secretary of State of the State of New York has no records for the Defendants JSC and KAALBYE.

4. I have inquired of Verizon Telephone Company whether the Defendants JSC and KAALBYE can be located within this District. The Verizon Telephone Company has advised me that the Defendants do not have any telephone number listings within this District.

5. I have further consulted with several other telephone directories on the internet, and I have found no telephone listing or address for the Defendants JSC and KAALBYE within this District.

6. I have further made several searches on the internet with various search engines and maritime websites, and I have found no indication that the Defendants JSC and KAALBYE can be found within this District.

7. In that I have been able to determine that the Defendants JSC and KAALBYE are not based in the United States of America and that I have found no indication that the Defendants JSC and KAALBYE can be found within this District, I

have formed a good faith belief that the Defendants JSC and KAALBYE do not have sufficient contacts or business activities within this District to defeat maritime attachment under Rule B of the Supplemental Rules for Admiralty and Maritime Claims as set forth in the Federal Rules of Civil Procedure.

8. It is my belief, based upon my own investigation that the Defendants JSC and KAALBYE cannot be found within this District for the purposes of Rule B of the Supplemental Rules of Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

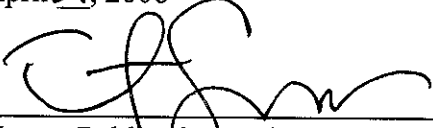
Dated: Port Washington, New York  
April 29, 2008

CHALOS, O'CONNOR & DUFFY, LLP  
Attorneys for Plaintiff,  
ONEGO SHIPPING & CHARTERING B.V

By: 

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Subscribed and sworn to before me this  
April 29, 2008

  
\_\_\_\_\_  
Notary Public, State of New York

TIMOTHY SEMENORO  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02SE6112804  
QUALIFIED IN NASSAU COUNTY  
COMMISSION EXPIRES JULY 12, 2008